hours of interrogation by Trooper Tapp, according to Mr. Bowen, whose testimony is verified by Tapp's time log. (TR Vol. II, pp. 65-67). During this period of time, Mr. Bowen testified that Trooper Tapp repeatedly suggested numerous different scenarios under which it may have been possible that JS accidentally observed him in a compromising position. (TP Vol. IV, pp. 100-101) Mr. Bowen admitted no crime and denied any inappropriate contact with JS on the tape and no verbal admissions were made by Mr. Bowen to Tapp (TP, Vol. II, pp. 53-54).

During Tapp's interrogation, Mr. Bowen thought that Trooper Tapp was discussing some recent occurrence on JS's last visit to the Bowen home in December of 2001 (due to the discussion of Playboy magazines and Tapp's reference to Matthew's and Aaron's bedroom) of which he had no knowledge but assumed, based on Tapp's questioning, that he had been observed by JS in some compromising position (masturbating) without his knowledge. Mr.Bown testified that Tapp never advised him of the allegations made by JS or the time of their alleged occurrence. (TP, Vol. IV, pp. 77-80) During cross-examination Trooper Tapp finally admitted that he probably did not advise Mr. Bowen of the charges or the time of their alleged occurrence. (TP Vol. II, pp. 67-69).

Trooper Tapp continued to deny, however, any interrogation of Mr. Bowen prior to the taped statement or making any suggestions concerning any inappropriate activity that JS may have 'accidentally' observed in the form of masturbation by Mr. Bowen without Mr. Bowen's knowledge. The prosecutor's questioning of Mr. Bowen proved otherwise. The prosecutor asked Mr. Bowen on cross-examination, "Did you start crying in that bedroom?" (TR Vol. IV, p. 118-119). There were only two (2) people in the bedroom that could have known whether or not Mr. Bowen began crying, Trooper Tapp and Mr. Bowen. Trooper Tapp

testified that he only went into the bedroom for Mr. Bowen to show him his "green shorts" (swimming trunks). The question asked by the prosecutor was obviously prompted by Trooper Tapp, who was sitting at counsel table during the trial and who was now recounting the true events that occurred in the bedroom resulting from his intense interrogation of Mr. Bowen. (TP, Vol. IV, pp. 118-119).

Prior to the trial, counsel for Petitioner moved the trial court in limine to suppress the taped statement taken by Trooper Tapp on the grounds it contained no incriminating statements and was offered by the Commonwealth for the sole purpose of inflaming the jury against Mr. Bowen, and had absolutely no probative value to the issues involved in the case. Hearing was held on Petitioner's motion, (TR Vol. I, pp. 91-92; TR Vol. IV, pp. 484-497), which the trial court denied December 3, 2002 (TR Vol. II, p. 196). Just prior to trial, Petitioner again moved the trial court in limine to exclude the taped statement, which was again overruled by the trial court. (TP Vol. I, pp. 41-42).

During voir dire, Petitioner's counsel attempted to play the tape to the venire in an effort to ensure Petitioner a fair and impartial jury unaffected by the inflammatory and irrelevant content of the tape. More particularly, to inquire of the venire whether any potential juror who would otherwise believe from the evidence that Mr. Bowen was not guilty of the offenses charged, would find him guilty anyway based solely on the taped statement, which contains no confession and no statements that even relate to the time period of the alleged acts. The trial court refused to permit Petitioner's counsel to play the tape even though the Court had previously ruled the tape admissible as evidence. (TP Vol. I, pp. 85-86). Again in his opening statement, Petitioner's counsel attempted to play the statement to the jury in an attempt to diffuse its prejudicial effect. This effort was again thwarted by the trial court even

though the prosecutor had already referred to the taped statement in his opening statement. (TP Vol. I, pp. 95, 99). Finally, the trial court permitted the prosecutor to play the taped statement to the jury in his case in chief over the objection of Petitioner's counsel to the undue prejudice of the Petitioner. (TP Vol. II, pp. 46-47)

Prior to the trial, Petitioner's counsel arranged for an examination of Mr. Bowen by Dr. Richard A. Gardner, a highly renowned psychiatrist and clinical professor of psychiatry, Division of Child Psychiatry at Columbia University, College of Physicians and Surgeons, specializing in the field of sexual behavior and child sexual abuse, to testify that pedophilia is a medically recognized sexual disorder classified in the *American Psychiatric Diagnostic and Statistic Manual, Section 302.2 Pedophilia, 2000*, and that given petitioner's mental condition based on his evaluation, it would be highly unlikely that he would commit any pedophilic act including the one with which he was charged. (TR Vol. II, pp. 208 - 218). The trial court entered an Order finding that a *Daubert* hearing was necessary and required to determine whether the proffered scientific testimony by Dr. Gardner met the *Daubert* criteria for admissibility. *Daubert v Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579, 113 S.Ct. 2786 (1993) The *Daubert* hearing was scheduled the morning of trial. (TR Vol. III, pp. 356-357, 360).

On Saturday, May 24, 2003, Dr. Richard Gardner contacted Petitioner's counsel and advised that he was in extreme pain due to an operation on his foot and that he was physically unable to attend the *Daubert* hearing scheduled for the morning of trial May 27, 2003, but that he would be able to testify by telephone. On Sunday, May 25, 2003, Dr. Gardner again contacted Petitioner's counsel and advised that he was in such extreme pain the he would not be able to give testimony by telephone as previously ad-

vised. Counsel for Petitioner immediately prepared an appropriate RCr 9.04 motion with accompanying Affidavit to reassign the case for trial, which was faxed to the prosecutor May 25, 2003, setting out the condition of Dr. Gardner (Reflex Sympathetic Dystrophy, RSD) and that he would be unable to attend or give his testimony by telephone due to his condition. Petitioner's counsel filed his Affidavit in support of the RCr 9.04 motion which also included Dr. Gardner's testimony that pedophilia is a medically and scientifically recognized condition with characteristics capable of evaluation and identification by qualified experts including himself as set forth in his curriculum vitae, that Mr. Bowen does not and did not have a pedophilic disorder and that in his opinion it is highly unlikely that Mr. Bowen perpetrated the alleged pedophilic acts on JS. Petitioner's counsel also set out in his Affidavit Dr. Gardner's testimony that based on his expertise, experience and training as a licensed, practicing psychiatrist and professor of psychiatry, that masturbation is not deviate sexual behavior, and is not indicative of an inclination or proclivity of any kind of sexual abuse, more particularly as in this case, the sexual abuse of a five to seven year old girl. (TR Vol. III, pp.415-445). The trial court denied Petitioner's motion. (TR Vol. III, pp. 415-445) Later on the morning of trial, and while the trial court was considering Petitioner's RCr 9.04 motion for continuation, Petitioner's counsel was notified that Dr. Gardner had in fact died Sunday, May 25, 2003, and that it would be necessary for trial counsel to obtain another qualified expert to testify on behalf of his client. After argument, the trial court, noting that failure to allow a continuance to obtain another expert was most likely reversible error, again denied Petitioner's Motion for a continuance effectively denying Petitioner a defense to the bare, uncorroborated allegations of a fourteen-year-old girl, approximately seven (7) to ten (10) years after the alleged incident. (TP Vol. I, pp. 3-

34). Dr. Gardner's testimony was material and essential to Petitioner's defense, and most certainly would have, at the very least, overcome the prejudicial effect of Petitioner's taped, albeit irrelevant, statement.

At trial, JS testified inconsistently, making statements contrary to prior statements she made to Trooper Tapp, as well as contradictory and inconsistent material statements during her trial testimony concerning the alleged sexual abuse and sodomy. JS failed, in response to the prosecutor's questioning, to recount any of the alleged facts the Commonwealth had relied on to indict and prove the offense of Sexual Abuse in the first degree, which prompted another motion by Petitioner's counsel to suppress the taped statement. (TP, Vol. II, pp. 3-5). The prosecutor, concerned that he had not proven the elements of Sexual Abuse I, recalled JS in an attempt to rehabilitate her testimony by reading from Trooper Tapp's notes over Petitioner's objection. (TP, Vol. II, pp. 25-26). JS vehemently denied telling Trooper Tapp that Mr. Bowen had "stuck his finger up [her] butt", (TP, Vol. II, pp. 25-26) and that Trooper Tapp must have misunderstood her. (TP, Vol. II, pp. 27). JS' testimony at trial and statements to Trooper Tapp were so inconsistent, conflicting, inherently improbable, and incredible concerning the alleged sexual abuse and sodomy so as to have little or no probative value sufficient to sustain the jury verdict of guilt on either charge without corroboration, of which there was none. (TP, Vol. I, pp. 105-142).

J.S.'s uncorroborated testimony concerning each of the allegations in the indictment differed significantly in each version from her statements to Trooper Tapp, to her testimony on Day One of the trial, and again in her testimony on Day Two of the trial. The contradictory details of her testimony are significantly different and when put together and seen as a whole clearly showed a child who has told a fictional story and cannot repeat the "facts" of the story

the same way twice. Most telling is her complete failure to recall she had told Trooper Tapp that Mr. Bowen had "stuck his fingers up her butt", which she blames on a misunderstanding on the part of Trooper Tapp, a trained investigator. Also as significant is the deterioration of her account of the sodomy from occurring at age four (4) as stated to Trooper Tapp, to age six (6) or seven (7) at trial. She told Trooper Tapp that Mr. Bowen asked her to "do it again" at age six (6) and testified to that age on Day One of the trial. On Day Two she changed her testimony to a more believable age of twelve (12), specifically denying that she had ever told Tapp or testified on Day One that her age was six (6) at the time Mr. Bowen allegedly asked her to "do it again." (TR, Vol. I, pp. 33-38, 41-42, 140; TR, Vol. II, 25-42, 77-78; TP, Vol. I, pp. 105-144; TP, Vol. II, p. 18, 20, 25, 28-29, 45-67; TP, Vol. IV, pp. 51, 98-99; TP, Vol. VI, p. 3)

Petitioner's counsel moved the Court for a directed verdict at the close of the Commonwealth's evidence on the grounds of the insufficiency of the evidence to support Petitioner's convictions as a matter of law for Sexual Abuse in the first degree and Sodomy in the first degree (TP II, pp. 77-78) and again at the conclusion of all proof. (TP Vol. VI, p. 3). Both motions were denied by the trial court.

The jury first returned a verdict of "guilty" for the offense of Sexual Abuse in the first degree. (TP VI, p. 67). After further deliberation the jury returned a verdict of guilty on the charge of Sodomy in the first degree. (TP VI, pp. 68-69).

Prior to the penalty phase, Petitioner waived sentencing by the jury to permit the Court to sentence the Petitioner in accordance with a recommendation by the prosecutor of the minimum sentence of twenty (20) years. (TP Vol. VI, pp. 72-80).

The Trial Court entered its judgment of conviction and sentence of imprisonment on September 11, 2003, convict-

ing Petitioner in accordance with the findings of the jury and sentencing the Petitioner as follows:

- Sexual Abuse, First Degree – Five (5) years in state penitentiary
- Sodomy, First Degree – Twenty (20) years in state penitentiary

Both sentences were ordered served concurrently. (TR V, pp. 694-696)

The Kentucky Supreme Court affirmed petitioner's convictions and sentence by an unpublished memorandum opinion styled *Bowen v. Commonwealth*, Ky., 2003-SC-0744-MR (App., pp. A1-A12) Petitioner's motion for rehearing was denied December 22, 2005 (App., p. A13).

REASONS FOR GRANTING THE WRIT

(a) The 7th Circuit United States Court of Appeals has decided the issue of the admissibility of evidence like that proffered by Dr. Gardner contrary to the decision of the Kentucky Supreme Court in this case.

This case raises significant constitutional questions about the permissible scope of expert testimony in sexual abuse cases in defense of allegations in cases otherwise indefensible except by denial. This is particularly an important issue in cases similar to petitioner's case where the allegations are made some 6-7 years after the fact by a minor whose testimony is, at best, inconsistent, if not incoherent. The best the Kentucky Supreme Court could say about J.S.'s testimony was that although it was inconsistent and contradictory it did make out the elements of the offense. (App., p. A10)

It is also important to note here that Dr. Gardner's testimony was proffered for two reasons. The first was to offer testimony about the characteristics of pedophilia which, as noted previously, is recognized by the American

Board of Psychiatry as a mental condition. Second, Dr. Gardner was also called by trial counsel to testify in refutation of the highly inflammatory taped statement which contains numerous provocative references to masturbation by the petitioner but admits none of the elements of the offense. Neither the trial court nor the Kentucky Supreme Court addresses the admissibility of Dr. Gardner's testimony for this purpose.

The taped statement was introduced by the prosecutor for two obvious reasons. First, to inflame the jury against the petitioner and second, to infer that petitioner engaged in deviate sexual acts indicative of one that would commit the offenses charged. The testimony proffered by Dr. Gardner is clearly within the realm of the scientific knowledge and expertise of any mental health care professional, particularly one of Dr. Gardner's expertise. This testimony was obviously (1) admissible and necessary to refute the uncooberated testimony of J.S. and (2) necessary to refute the prejudicial and inflammatory nature of the taped statement. The fact situation in this case is similar to the Kentucky case of *Pendleton v. Commonwealth*, Ky., 685 S.W.2d 549 (1985) in which Justice Leibson opined, in his dissent, that such evidence was necessary to refute similar evidence of other sexual acts. *Pendleton*, supra, at 555.

Dr. Gardner, had he been available and permitted to testify, would have testified, in pertinent part, to the following which is a part of his written report reviewed by the trial court in making its decision denying petitioner's motion for a continuance:

> "A list of characteristics of pedophiles, each of which has varying degrees of confirmation in the scientific literature. These are the characteristics that most competent examiners look for when evaluating a person for the presence of pedophilic tendencies. The characteristics here are not a profile, nor is there such

> a thing as a profile for pedophilia. Rather, it is a list of indicators to be matched against those indicators seen in normal people as well as those indicators seen in confirmed pedophiles. This evaluative protocol follows the medical model of assessment.
>
> The references in the scientific literature on which these differentiating criteria are based are to be found in my book, *Protocols for the Sex-Abuse Evaluation* (Creative Therapeutics, Inc., 1995)." (TR, Vol. IV, pp. 527)

Facially, this testimony meets all of the *Daubert* criteria including acceptance in the scientific community.

Similar testimony has been admitted by federal courts through experts whose expertise was gained by experience as opposed to the education, training, expertise and caliber of knowledge and experience of Dr. Gardner. In *U.S. v. Romero*, 189 F.3d 576, 581-588 (7th Circuit 1999); certiorari denied at 529 U.S. 1011 (2000), the 7th Circuit United States Court of Appeals permitted an FBI expert on child molesters, Agent Kenneth V. Lanning, to give expert testimony for the government detailing characteristics and methods of preferential child molesters. In analyzing *Daubert*, supra, the *Romero* Court approved Agent Lanning's testimony in which he "...used a **profile** of the four major 'characteristics' of a preferential sex offender, he focused primarily on the behavior and actions of such offenders to explain their techniques or modus operandi. Agent Lanning was permitted to describe each of the four 'traits' in terms of behavior..." *Romero*, supra at 587. (Emphasis added) There is little difference in what the *Romero* Court authorized under its application of the *Daubert* criteria and the proffered testimony of Dr. Gardner, other than Dr. Gardner's clearly superior qualifications as an expert on the subject.

The *Romero* Court also noted that Agent Lanning had been permitted to testify similarly in other cases for the

government citing *United States v. Cross*, 928 F.2d 1030 (11th Cir. 1991). *Romero*, supra, at 584. One of the issues the *Romero* Court addressed was whether Agent Lanning's testimony violated Federal Rule of Evidence 704(b) which prohibits testimony on the "ultimate issue." *Romero*, supra, 585-586. Even this should not have posed a problem to the Kentucky Supreme Court which abandoned the "ultimate issue" prohibition in *Stringer v. Commonwealth*, Ky., 956 S.W.2d 883, 891 (1997).

It is axiomatic that if such evidence is permissible in the prosecution of a criminal case, its denial to a criminal defendant to refute the charges and evidence against him most assuredly rises to a violation of his 6th Amendment right to compulsory process for witnesses to testify in refutation of the charges against him and in violation of his 14th Amendment guarantee to a fundamentally fair trial. Clearly, Dr. Gardner's testimony identifying the characteristics of a pedophile was admissible to refute the charges against petitioner. Also, as in *Romero*, supra, he, like Agent Lanning, should have, had he not died, been allowed to opine to hypothetical questions posed by trial counsel that correspond to the characteristics of pedophilic behavior, or lack thereof. *Romero*, supra, 586. Finally, given Kentucky's abandonment of the "ultimate issue" prohibition, Dr Gardner's opinion, had he been available, as to whether petitioner specifically met the characteristics of a pedophile and whether he was likely or unlikely to have committed the offenses charged, should have been admitted to refute the charges and the evidence against him.

(b) The decision by the Kentucky Supreme Court conflicts with the opinion of the United States 7th Circuit Court of Appeals on the admissibility of this type of expert testimony and presents an important question of Federal Constitutional Law that should be decided by this Court.

Other than this Court's denial of certiorari in *Romero*, supra, at 529 U.S. 1011 (2000), this Court has not addressed the issue of the admissibility of the type of expert testimony offered by Dr. Gardner on behalf of a defendant in a sexual abuse case. The issue presented by this case is particularly compelling because there was no evidence against the petitioner other than his irrelevant inflammatory statement, which obviously was intended to inflame the jury to decide guilt on its content rather than the facts of the case, and the uncooberated, admittedly inconsistent, testimony of a child witness. The interplay of a defendant's 6th Amendment right to present evidence to refute the charges and evidence against him and his right to due process and a fundamentally fair trial under the 14th Amendment are particularly imperative under this factual situation and should be decided by this Court.

Resolution of this issue is particularly important in Kentucky in regard to 6th and 14th Amendment Constitutional Rights in view of this Court's decision in *Crane v. Kentucky*, 476 U.S. 683 (1986). In *Crane*, supra, this Court reversed the Kentucky Supreme Court for its refusal to permit a juvenile defendant to introduce testimony describing the length of his interrogation and the manner in which it was conducted holding that such a denial violated the defendant's 6th and 14th Amendment rights. Quoting *Crane*, supra, at 690-691:

> "Whether rooted directly in the Due Process Clause of the Fourteenth Amendment, *Chambers* v. *Mississippi*, *supra*, or in the Compulsory Process or Confrontation clauses of the Sixth Amendment, *Washington* v. *Texas*, 388 U.S. 14, 23 (1967); *Davis* v. *Alaska*, 415 U.S. 308 (1974), the Constitution guarantees criminal defendants "a meaningful opportunity to present a complete defense." *California* v. *Trombetta*, 467 U.S., at 485; cf. *Strickland* v. *Washington*, 466 U.S. 668, 684-685 (1984) ("The Constitution guarantees a fair trial

largely through the several provisions of the Sixth Amendment"). We break no new ground in observing that an essential component of procedural fairness is an opportunity to be heard. *In re Oliver*, 333 U.S. 257, 273 (1948); *Grannis* v. *Ordean*, 234 U.S. 385, 394 (1914). That opportunity would be an empty one if the State were permitted to exclude competent, reliable evidence bearing on the credibility of a confession when such evidence is central to the defendant's claim of innocence. In the absence of any valid state justification, exclusion of this kind of exculpatory evidence deprives a defendant of the basic right to have the prosecutor's case encounter and "survive the crucible of meaningful adversarial testing." *United States* v. *Cronic*, 466 U.S. 648, 656 (1984). See also *Washington* v. *Texas*, *supra*, at 22-23."

The same is true in this case. Denial of petitioner's motion to continue his trial to obtain another expert witness to replace Dr. Gardner deprived petitioner of the opportunity to present a complete defense, other than his own bare denial, to the evidence against him, which solely rested on the child's uncooberated and inconsistent testimony and his irrelevant but provocative, inflammatory taped statement.

(c) The decision of the Kentucky Supreme Court on the admissibility of this type of expert testimony as a fundamental right under the 6th and 14th Amendments to the United States Constitution is not only in conflict with relevant decisions of the U.S. 7th Circuit Court of Appeals but also with other decisions by the Kentucky Supreme Court.

The issue presented addresses the defendant's 6th Amendment rights made applicable to the Commonwealth of Kentucky through the Due Process Clause of the 14th Amendment to the United States Constitution. Kentucky cases on this issue are at best, inconsistent, if not incomprehensible.

In *Commonwealth v. Rose*, 725 S.W.2d 588 (Ky. 1987), the Kentucky Supreme Court permitted the testimony of a registered nurse, who was offered as an expert to testify for the defense about the battered wife syndrome, to explain and discuss the syndrome. The court, however, excluded her opinions and conclusions that the defendant was suffering from the syndrome on the basis that she was not a psychiatrist or clinical psychologist and that such testimony would violate the "ultimate issue" prohibition. *Rose*, supra, at 590-592. *Commonwealth v. Craig*, 783 S.W.2d 387 (Ky. 1990), expressly overruled *Rose*, supra, permitting the Director of the YMCA Spouse Abuse Center in Lexington, Kentucky, with a Masters Degree in Counseling, to be qualified as an expert and to express her opinion as to whether the defendant was suffering from the battered spouse syndrome *Craig*, supra, at 389. *Dyer v. Commonwealth*, 816 S.W.2d 647 (Ky. 1991) overruled both *Rose*, supra and *Craig*, supra, opining that "In the present case, in the event of a retrial no evidence should be admitted, and no argument permitted, characterizing the appellant as a 'pedophile' or suggesting that he suffers from 'pedophilia', **unless** there is proof from an expert on the subject qualified to express an opinion about the appellant's mental condition. *Dyer*, at 654 (Emphasis added). Clearly, the Opinion in *Dyer*, supra, invited the proffered testimony of Dr. Gardner in an appropriate case.

However, in *Tungate v. Commonwealth*, 901 S.W.2d 41 (Ky. 1995) the Kentucky Supreme Court affirmed the trial court's exclusion of Dr. Gardner's testimony relying almost solely on its opinion in *Pendleton v. Commonwealth*, Ky., 685 S.W.2d 549, 553 (Ky. 1985) which prohibited such testimony as an opinion on the "ultimate fact". In *Tungate*, supra, the court distinguished its opinion in *Dyer*, supra, on the basis that such evidence was insufficient under the "Fry" test as well as the *Daubert* criteria, which was decided while *Tungate* was on appeal to the Kentucky Court

of Appeals, even though no *Daubert* hearing was held. *Tungate*, supra, 43-44. The Kentucky Supreme Court in *Stringer*, supra, at 891, which was decided after *Tungate*, departed from the "ultimate issue" rule, which was the underlying basis for the rejection of Dr. Gardner's testimony in *Tungate*, opining that:

> "We now once again depart from the "ultimate issue" rule and rejoin the majority view on this issue. Expert opinion evidence is admissible so long as (1) the witness is qualified to render an opinion on the subject matter, (2) the subject matter satisfies the requirements of Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579, 113 S. Ct. 2786, 125 L. Ed. 2d 469 (1993), (3) the subject matter satisfies the test of relevancy set forth in KRE 401, subject to the balancing of probativeness against prejudice required by KRE 403, and (4) the opinion will assist the trier of fact per KRE 702. Brown v. Commonwealth, supra, and Alexander v. Commonwealth, supra, are overruled insofar as they hold otherwise."

Under these decisions, it is clear that Dr. Gardner's testimony should have been admitted by the trial court for the reasons previously stated. The Kentucky Supreme Court, however, relied heavily on the trial court's discretion in utilizing the *Daubert* criteria to analyze the admissibility of proffered expert testimony opining that such was within the sound discretion of the trial court. (App., pp. A9-A10) However, the trial record shows that the trial court made a clearly arbitrary decision in denying petitioner's motion for a continuance opining that Dr. Gardner's testimony "...is so outside the realm of the proof required to show that these crimes were committed and that this Defendant committed them, [they] should not under any circumstance be admissible." (TP, Vol. I, p. 25) This statement alone confirms the arbitrary nature of the trial court's decision. The weight given the trial court's decision, by the Kentucky Supreme Court, was clearly misplaced under its own

analysis set out above, for the admissibility of such evidence.

Petitioner respectfully submits that Certiorari should be granted because Dr. Gardner's testimony, especially regarding the characteristics of a pedophile and his testimony that petitioner's taped statement was not indicative of either a sexual disorder or a proclivity to commit sexual offenses such as the ones charged, should have been admissible and a continuance granted to petitioner to obtain another equally qualified expert to refute the charges and evidence against him. The denial of petitioner's motion for a continuance, coupled with the provocative and highly prejudicial taped statement that was admitted into evidence and the bare assertions of a child witness which are, at best, admittedly uncooberated and inconsistent and are facially improbable, constituted a denial of petitioner's constitutional rights under the 6th and 14th Amendments to the United States Constitution guaranteeing to him the right to present a complete defense to the charges and evidence against him and a fundamentally fair trial.

CONCLUSION

For the foregoing reasons, Petitioner, William Edgar Bowen, Jr., respectfully urges the Court to issue a Writ of Certiorari to the Supreme Court of Kentucky.

Respectfully submitted,

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